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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,378	10/27/2003	Joseph A. Silvaggio	JAS-100US 5312	
23122 75	90 . 07/11/2005		EXAMINER	
RATNERPRESTIA .			KAUFMAN, JOSEPH A	
P O BOX 980 VALLEY FOR	GE, PA 19482-0980		ART UNIT	PAPER NUMBER
	,		3754	
		DATE MAILED: 07/11/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Dispose   Action   Dispose   Action   Dispose   Action   Dispose   Action   Dispose   Action   Dispose   Action   Dispose   Dispose		Application No.	Applicant(s)				
Joseph A. Kaufman   3754	Office Action Symmetry	10/695,378	SILVAGGIO, JOSEPH A.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  E detailed to time map be available used the provided and 3 CPR 1.13(6). In no event, however, may a reply be timely filed  E the period for reply specified above is lice than thirty (30) days, a reply whitin the distulory minimum of thirty (30) days will be considered timely.  If the period for reply specified above is lice than thirty (30) days, a reply whitin the distulory minimum of thirty (30) days will be considered timely.  If the period for reply specified above is lice than thirty (30) days, a reply whitin the distulory minimum of thirty (30) days will be considered timely.  If the period for reply specified above is lice than thirty (30) days, a reply whitin the distulory minimum of the period of the communication.  Fallow to reply whitin the state of certain days and the period of the communication of the certain days will be sufficient to be communication.  Fallow to reply whitin the state of certain days and the period of the certain days will be sufficient to be certain days and the period of the period of the perio	Office Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be smallable under the provisions of 37 CFR 1.35(s). In no event, however, may a reply be timely filed  Ethosphore for reply spelfied above, the maximum statutory period will apply and well expire 30 (3) days will be considered timely.  If No period for reply a specified above, the maximum statutory period will apply and well expire 3X (6) MONTHS from the mailing date of this communication. Any reply reviewed by the Offices atter than three months after the mailing date of this communication, even if limitely filed, may reduce any canned patent term adjustment. See 37 CFR 1.704(s).  Status  1) Responsive to communication(s) filed on 05 May 2005.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1 and 3-8 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6b) Claim(s) is/are allowed.  6c) Claim(s) is/are allowed.  6c) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Ray not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Applic		· ·					
THE MAILING DATE OF THIS COMMUNICATION.  Estancians of time may be available under the provision of 3 CPR 1.13(6). In no event, however, may a neph be timely filed other 5X (8) MCNTHS from the mailing date of hits communication.  It NO periods to ready is specified above, the maximum abulatory prefet unity pays and wite legals (X6) (MCNTHS from the mailing date of this communication.  Failure to reply visition the set or actereded period for reply vill. by abulatory, cause the application to become ARANDONED (35 U.S.C. § 133). Any reply accessed by the Office above, the maximum abulatory prefet vill apple and vill expect (X6) (MCNTHS from the mailing date of this communication, revent friend) filed, may reduce any cannot platent form adjustment. Set 97 CPR 1.174(b).  Status  1)  Responsive to communication (s) filed on 05 May 2005.  2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1 and 3-8 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  (b) Claim(s) 1 si/are allowed.  (claim(s) 1 si/are allowed.  (claim(s) 3 si/are objected to.  3)  Claim(s) is/are objected to.  3)  Claim(s) is/are objected to by the Examiner.  Application Papers  9)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  11)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  12)  Annual Paper Average							
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### Claim Rejections - 35 USC § 112

1. Claims 1 and 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, it is unclear what is meant by "the bottle" of said reservoir. It appears that applicant may mean "bottom".

In claim 4, last line, there is a lack of antecedent basis for the well or second reservoir. This renders the claim confusing as it is unclear if the claim depends from the proper claim or should positively recite the structures.

### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Witt, Jr '450.

Witt, Jr. shows a reservoir/bottle 10, 14; spray mechanism 28 having a trigger; dip tube 30 being below a portion of the trap means; trap means 20 being a baffle fixed to opposite side walls, the top part of the baffle as seen in Figure 9 being the second means/baffle for maintaining the dip tube in place; well/second reservoir 22; grip portion 24; and opening at 26.

## Response to Arguments

4. Applicant's arguments filed 5/5/2005 have been fully considered but they are not persuasive.

Applicant contends that the 112, 2<sup>nd</sup> paragraph rejection has been overcome.

Antecedent basis for the structures in question in claim 4 is found in claim 3, not claims 1 or canceled claim 2.

Applicant contends that when the bottle of the '450 patent is tilted downwardly past the horizontal, fluid would run along the front wall of the bottle (and that applicant has solved this problem). However, this is not a claimed feature. The claims merely require that the bottle to go from vertical to horizontal, not past it. Witt would clearly work under the claimed circumstances. As all claimed features have been addressed, the rejection stands.

#### Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph A. Kaufman whose telephone number is (571) 272-4928. The examiner can normally be reached on Monday-Thursday, 5:30AM-2PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

oseph A./Kaufmar Primary Examiner

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jak July 7, 2005